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SUBJECT: QUARTERLY HUMAN RIGHTS CONSULTATIONS FOCUS ON
EXTRAJUDICIAL KILLINGS

11. Summary: At the suggestion of the Colombian Commission of Jurists, Post's quarterly consultations with human rights groups focused on alleged extrajudicial executions (EJEs) by security forces. Citing a report released last October by a coalition of human rights groups, the participants said there were 236 alleged extrajudicial killings from July 2006 to June 2007, up from 198 the previous year. They claimed arbitrary detentions frequently preceded such killings, and said the GOC's emphasis on results was too often interpreted by military officials to mean body count. They urged the GOC to strengthen the Prosecutor General office's (Fiscalia's) capacity to investigate combat deaths, and said all such cases should be heard in civilian, rather than military, courts. Several participants acknowledged recent Defense Ministry directives to address the issue, but called for more concrete action. End Summary.

12. On March 12, Post held its quarterly consultations with human rights groups, with a special focus on EJEs. Attendees included Luis Evelis Andrade from the National Indigenous Organization of Colombia (ONIC), Tito Augusto Gaitan from the Association for Alternative Social Policy (MINGA), Mario Gomez from the Restrepo Barco Foundation, Jahel Quiroga from Reiniciar, Diana Murcia from the Collective Corporation of Lawyers, Agustin Jimenez from the Solidarity Committee of Political Prisoners, Alberto Yepez from the Coordination of Colombia, Europe and the U.S. (CCEU), Father Alberto Franco from Justicia Y Paz, and Camilo Mejia of the Colombian Commission of Jurists (CCJ). USAID and DOJ officials also participated.

Comparing EJE data

13. Mejia said a study by a human rights coalition released last October found that between July 2006 and June 2007, the public forces committed 236 alleged extrajudicial killings, up from 198 during the same period in 2005-2006. So far this year, CCJ has identified 13 cases. He said the GOC's democratic security policy should not be used to justify attacks against civilians, and complained the policy's emphasis on results was often interpreted by commanders to mean body count. ONIC said there were 43 EJEs against indigenous in 2007, with 12 so far this year.

14. Yepez of CCEU said his group reported 111 killings

between January–December 2007, with 13 more so far this year. He noted the highest number of reported cases occurred in Norte de Santander (15), followed by Meta (12), Catatumbo (9), Putumayo (8), and Arauca (5). Units implicated included the 13th Brigade's 25th battalion, the 6th Brigade, the 16th Brigade and the 15th Mobile Brigade. Yezep claimed Army Gaula (anti-kidnapping units) are also a concern. He complained that relative of victims often do not file complaints due to military threats. Yezep added that arbitrary detentions frequently precede extrajudicial killings.

¶5. Father Franco said there is stigmatism of civilians in "guerrilla zones" where military forces accuse locals of sympathizing with the FARC. He echoed charges that military units kill civilians, subsequently dressing them in guerilla uniforms and claiming them as killed in action. Franco said the GOC's democratic security policy encourages the military to view civilians in rural areas with suspicion, leading them to target community leaders.

Deciding Jurisdiction: Military or Civilian Court?

¶6. Participants said the Fiscalia lacks the logistical capacity to investigate the scenes of combat deaths, often authorizing the military to conduct the preliminary investigation in its place. The Fiscalia's criminal investigative unit (CTI) needs more personnel and resources. MINGA's Tito said that when the Fiscalia investigates, prosecutors are often pressured by the military to transfer the case to the military justice system. Restrepo Barco representative Mario Gomez referred to recent MOD directives

focusing on addressing EJE's, noting that in 2007, more extrajudicial killings were handled in the civilian than military courts. The MOD also issued an order instructing military commanders to reward demobilizations, captures and kills in that order.

¶7. Other participants agreed the MOD measures were positive and thanked the USG for its role in communicating concerns to the GOC. Still, they said the MOD's initiatives are insufficient. Quiroga of Reiniciar said positive trends are not due to military directives but reflect pressure from human rights groups. Tito reiterated that the GOC needs to do more to strengthen the judicial process. He said the military's emphasis on captures over kills should help in prevention, but called for greater access for human rights groups to investigative documents in the MOD's possession. Whoever has custody over evidence is the "key driver" in the judicial process. Participants debated whether all EJE cases should be moved to Bogota to avoid pressure from local commanders or whether more resources should be dedicated to support regional prosecutors. Post encouraged participants to make policy concrete recommendations to the USG, as well as to GOC authorities, to address this issue.
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